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10/043,239

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Yuuichirou Ikeda

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STAAS & HALSEY LLP  
SUITE 700  
1201 NEW YORK AVENUE, N.W.  
WASHINGTON, DC 20005

EXAMINER

DANG, HUNG Q

ART UNIT

PAPER NUMBER

2621

MAIL DATE

DELIVERY MODE

11/29/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/043,239

Applicant(s)

IKEDA ET AL.

Examiner

Hung Q. Dang

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 January 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>See Continuation Sheet</u> . | 6) <input type="checkbox"/> Other: _____  |

Continuation of Attachment(s) 3. Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :3/5/200<sup>2</sup>,  
12/16/2003, 12/26/2006, 01/30/2007.

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/31/2007 has been entered.

### ***Response to Arguments***

Applicant's arguments filed 10/31/2007 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-3, 9-11, and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marsh (US Patent 6,931,657) and DeLuca et al. (US Patent 5,258,739).**

Regarding claim 1, Marsh a reservation control apparatus, comprising: a search request unit requesting a program information retaining unit (column 6, lines 15-21) retaining program information containing a program broadcast date/time and a content

information (column 4, lines 36-47), to search for the program information (column 5, lines 65-67; column 6, lines 1); a reservation request unit requesting a program reservation unit making a reservation of viewing or recoding the program, to reserve viewing or recording the program (column 6, lines 8-14); an information obtaining unit obtaining character information related to the received program from contents of the received program while being received by a program receiving unit (column 5, lines 26-41; column 7, lines 40-61); an information retaining unit retaining the character information obtained by said information obtaining unit (column 5, lines 26-41; column 7, lines 40-61) wherein said search request unit makes said program information retaining unit search for the program information of the program related to the received program on the basis of character information at the time of receiving a predetermined notification according to an operation of a viewer in the character information retained by said information retaining unit (column 5, lines 64-67; column 6, lines 15-21), and said reservation request unit makes a request for reserving a receipt of the program or reserving a record of the program on the basis of the searched program information (column 6, lines 8-14).

However, Marsh does not disclose an information retaining unit retaining the character information obtained by said information obtaining unit in a way that is overwritten on the oldest retained character information.

DeLuca et al. disclose an information retaining unit retaining the character information obtained by an information obtaining unit in a way that is overwritten on the

oldest retained character information of all of the retained character information in the information retaining unit (column 3, line 57 – column 4, line 6).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the information retaining unit disclosed by DeLuca et al. into the reservation control unit disclosed by Marsh for a storage efficiency by deleting out-of-date data.

Regarding claim 2, Marsh also discloses said information obtaining unit includes a voice recognizing unit converting voices contained in the received program into text data and a text and data analyzing unit converting the text data into the character information and obtains the character information from the voices (column 7, lines 53-61).

Regarding claim 3, Marsh also discloses said information obtaining unit obtains the character information from a caption contained in the received program (column 7, lines 43-46).

Claim 9 is rejected for the same reason as discussed in claim 1 above.

Claim 10 is rejected for the same reason as discussed in claim 2 above.

Claim 11 is rejected for the same reason as discussed in claim 3 above.

Claim 17 is rejected for the same reason as discussed in claim 1 above.

Claim 18 is rejected for the same reason as discussed in claim 2 above.

Claim 19 is rejected for the same reason as discussed in claim 3 above.

**Claims 1-4, 9-12, and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arai et al. (US Patent 6,751,401), Marsh (US Patent 6,931,657), and DeLuca et al. (US Patent 5,258,739).**

Regarding claim 1, Arai et al. disclose a reservation control apparatus, comprising: a search request unit (column 13, lines 60-62) requesting a program information retaining unit retaining program information containing a program broadcast date/time and a content information, to search for the program information (column 13, lines 62-67; column 14, lines 1-2); a reservation request unit requesting a program reservation unit making a reservation of viewing or recoding the program, to reserve viewing or recording the program (column 14, lines 3-17); an information obtaining unit obtaining information related to the received program from contents of the received program while being received by a program receiving unit (column 13, lines 9-15, 52-59); an information retaining unit retaining the information obtained by said information obtaining unit (column 13, line 52 – column 14, line 2); wherein said search request unit makes said program information retaining unit search for the program information of the program related to the received program on the basis of character information at the time of receiving a predetermined notification according to an operation of a viewer in the character information retained by said information retaining unit (column 13, line 60 – column 14, line 2), and said reservation request unit makes a request for reserving a receipt of the program or reserving a record of the program on the basis of the searched program information (column 13, line 60 – column 14, line 18).

However, Arai et al. do not disclose the information to be character information and an information retaining unit retaining the character information obtained by said information obtaining unit in a way that is overwritten on the oldest retained character information

Marsh discloses the information to be character information (column 7, lines 53-61).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the character information disclosed by Marsh into the reservation control apparatus disclosed by Arai so that the program information can be derived from the closed caption and/or voice of the program. The incorporated feature would make the apparatus more robust and user-friendlier.

However, the proposed combination of Arai et al. and Marsh does not disclose the information retaining unit retaining the character information obtained by said information obtaining unit in a way that is overwritten on the oldest retained character information.

DeLuca et al. disclose an information retaining unit retaining the character information obtained by an information obtaining unit in a way that is overwritten on the oldest retained character information of all of the retained character information in the information retaining unit (column 3, line 57 – column 4, line 6).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the information retaining unit disclosed by DeLuca et al.



into the reservation control unit disclosed by Arai et al. and Marsh for an storage efficiency by deleting out-of-date data.

Regarding claim 2, Marsh also discloses said information obtaining unit includes a voice recognizing unit converting voices contained in the received program into text data and a text and data analyzing unit converting the text data into the character information and obtains the character information from the voices (column 7, lines 53-61).

Regarding claim 3, Marsh also discloses said information obtaining unit obtains the character information from a caption contained in the received program (column 7, lines 43-46).

Regarding claim 4, Arai et al. also disclose said information obtaining unit obtains the information in a data broadcast multiplexed with a program broadcast (column 2, lines 54-61).

Claim 9 is rejected for the same reason as discussed in claim 1 above.

Claim 10 is rejected for the same reason as discussed in claim 2 above.

Claim 11 is rejected for the same reason as discussed in claim 3 above.

Claim 12 is rejected for the same reason as discussed in claim 4 above.

Claim 17 is rejected for the same reason as discussed in claim 1 above.

Claim 18 is rejected for the same reason as discussed in claim 2 above.

Claim 19 is rejected for the same reason as discussed in claim 3 above.

Claim 20 is rejected for the same reason as discussed in claim 4 above.

**Claims 1-3, 5, 9-11, 13, 17-19, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Logan (US Pg-Pub 2002/0120925) and DeLuca et al. (US Patent 5,258,739).**

Regarding claim 1, Logan discloses a reservation control apparatus, comprising: a search request unit ([0092]) requesting a program information retaining unit retaining program information containing a program broadcast date/time and a content information ([0087]; [0091]; [0093]), to search for the program information ([0124]); a reservation request unit requesting a program reservation unit making a reservation of viewing or recoding the program, to reserve viewing or recording the program (see [0262], [0271], [0275]); an information obtaining unit ([0074], [0076]) obtaining character information related to the received program from contents of the received program while being received by a program receiving unit ([0049], [0050], [0051], [0063], [0064]; [0150]); an information retaining unit retaining the character information obtained by said information obtaining unit ([0049], [0050], [0051], [0063], [0064]; [0150]; [0151]); wherein said search request unit makes said program information retaining unit search for the program information of the program related to the received program on the basis of character information at the time of receiving a predetermined notification according to an operation of a viewer in the character information retained by said information retaining unit ([0123], [0124]), and said reservation request unit makes a request for reserving a receipt of the program or reserving a record of the program on the basis of the searched program information (see [0262], [0271], [0275]).

However, Logan does not disclose an information retaining unit retaining the character information obtained by said information obtaining unit in a way that is overwritten on the oldest retained character information.

DeLuca et al. disclose an information retaining unit retaining the character information obtained by an information obtaining unit in a way that is overwritten on the oldest retained character information of all of the retained character information in the information retaining unit (column 3, line 57 – column 4, line 6).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the information retaining unit disclosed by DeLuca et al. into the reservation control unit disclosed by Logan for an storage efficiency by deleting out-of-date data.

Regarding claim 2, Logan also discloses said information obtaining unit includes a voice recognizing unit converting voices contained in the received program into text data and a text and data analyzing unit converting the text data into the character information and obtains the character information from the voices ([0151]; [0152]; [0153]).

Regarding claim 3, Logan also discloses said information obtaining unit obtains the character information from a caption contained in the received program ([0151]; [0152]; [0153]).

Regarding claim 5, Logan also discloses said information obtaining unit accesses a scenario data retaining unit (see [0087], [0088], and [0124]) retaining scenario data of the program, and obtains information from the scenario data (see [0093]-[0097], [0124]).

Claim 9 is rejected for the same reason as discussed in claim 1 above.

Claim 10 is rejected for the same reason as discussed in claim 2 above.

Claim 11 is rejected for the same reason as discussed in claim 3 above.

Claim 13 is rejected for the same reason as discussed in claim 5 above.

Claim 17 is rejected for the same reason as discussed in claim 1 above.

Claim 18 is rejected for the same reason as discussed in claim 2 above.

Claim 19 is rejected for the same reason as discussed in claim 3 above.

Claim 21 is rejected for the same reason as discussed in claim 5 above.

**Claims 6-8, 14-16, and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Logan (US Pg-Pub 2002/0120925) and DeLuca et al. (US Patent 5,258,739) as applied to claims 1-3, 5, 9-11, 13, 17-19, 21 above, and further in view of Arai et al. (US Patent 6,751,401).**

Regarding claim 6, see the teachings of Logan and DeLuca et al. as discussed in claim 1 above. Further, Logan also discloses the program information including the scenario data being combined with the programming contents as transmitted to the users (see [0045]).

However, the proposed combination of Logan and DeLuca et al. does not disclose the scenario data to be transmitted in multiplexing with the program broadcast.

Arai teaches the program information being multiplexed with program contents (see column 2, lines 56-57, lines 63-67).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the concept of multiplexing the program information with

the program contents disclosed by Arai et al. into the concept of transmitting the program information as metadata, which contains the scenario data, in combination with the program contents disclosed by Logan to share common transmission medium or channel.

Regarding claim 7, Logan also discloses the scenario data contain an elapse time since a start of the program and character information describing the program contents at this elapse time (see [0093]-[0097]).

Regarding claim 8, Logan also discloses the scenario data contain an elapse time since the scenario data transmission data/time ([0090]) and character information describing the program contents at this elapse time ([0093]-[0097]).

Claim 14 is rejected for the same reason as discussed in claim 6 above.

Claim 15 is rejected for the same reason as discussed in claim 7 above.

Claim 16 is rejected for the same reason as discussed in claim 8 above.

Claim 22 is rejected for the same reason as discussed in claim 6 above.

Claim 23 is rejected for the same reason as discussed in claim 7 above.

Claim 24 is rejected for the same reason as discussed in claim 8 above.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung Q. Dang whose telephone number is 571-270-1116. The examiner can normally be reached on M-Th:7:30-6:00.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Hung Dang  
Patent Examiner



THAI Q. TRAN  
SUPERVISORY PATENT EXAMINER  
EBC CENTER 2600